IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

and
THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT APPEAL NO: 1755 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 24/06/2005 in WP NO: 11465 OF 2002 on the file of the High Court)

Between:

K.M.Prabhakar, Ex.Conductor, APSRTC S/o. K.A.P.Sarama
C/o. R.Satyanarayana H.No.9-2-3, Court Street
Ongole Prakasam District.

..... APPELLANT

AND

The Depot Manager APSRTC, Podili Depot
Podili Post Prakasam District.

.....RESPONDENT

ORDER:

Heard both sides and at their request, the main appeal itself is taken up for disposal.

The appellant, who is the unsuccessful writ petitioner seeks to assail the orders dismissing the writ petition challenging the award passed by the Labour Court in I.D.No.99 of 1998 dated 31-05-2001 confirming the termination order.

Few facts for disposal of this appeal are that:

The appellant was initially appointed on 25-07-1986 as a Conductor and subsequently, on having found certain irregularities, particularly, in issuance of 53 sold tickets, a disciplinary enquiry was conducted and ultimately, he was removed from service. All the departmental remedies are against the appellant and even before the Labour Court, the same was confirmed holding that the charges made against him are proved. Learned Single Judge having gone into all these aspects has given a finding that the punishment imposed on the petitioner cannot be said to be disproportionate to the misconduct.

Having heard the learned counsel and especially, having regard to the finding of the fact which has been arrived at all levels, we are constrained to hold that this Court would not go into the same again and re-appreciate or come to a different conclusion under the scope of Article 226 of the Constitution of India. We do not find any merits to interfere in this appeal. The learned counsel appearing for the appellant makes a fervent request at least to order fresh appointment, without giving any backwages or continuity of service. However, having regard to the facts and circumstances of the case and especially in regard to seriousness of the charge, we do not find any ground to show any indulgence.

The writ appeal is accordingly dismissed. No order as to costs.

B.PRAKASH RAO, J

04th October, 2005 DR. G.YETHIRAJULU, J

SKM